



August 3, 1998

Via Facsimile and U.S. Mail  
310/315-1165

Mr. Jonathan S. Horne  
Law Offices of Jonathan S. Horne  
1158 26<sup>th</sup> Street, Suite 535  
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RE: *Response to May 12, 1998 Correspondence re Conservancy  
Public Access Easements/Offers to Dedicate*

Dear Jonathan:

Please forgive the delay in responding to your above-referenced correspondence. Before providing responses to your inquiries, I want to convey the following.

First, the information provided in response to your inquiries is provided on an informal basis, that is, primarily as a courtesy to you. As such, where appropriate the responses provided should not generally be considered "official" Conservancy policy.

Second, as you can imagine, since the passage of time between the date(s) referenced in your inquiries (1984) and the present is considerable (some fourteen years), certain difficulties exist as far as providing accurate answers to your inquiries. Accordingly, the information provided in response to your inquiries are to a certain extent *responses*, rather than verifiably accurate *answers*.

Third, certain aspects of the information that is responsive to your inquiries is obtainable through sources other than the Conservancy. Accordingly, those sources are identified where appropriate.

With the above stated, the Conservancy responds as follows:

1. The Conservancy's "total annual budget" for the Fiscal Years 1982-83 through 1986-87 can be found in West's California Legislative Service, which publishes each year's state budget (see Ch. 326, Stats. 1982; Ch. 824, Stats. 1983; Ch. 258, Stats. 1984; Ch. 11, Stats. 1985; Ch. 186, Stats. 1986). Be aware, however, that each year the Conservancy may have access to funding which is "held over" from previous years, or which constitutes supplemental appropriations to the Conservancy that may not be reflected in the printed annual budget for any given year. As a point of illustration, over this five-year period, the total amount of funds appropriated to the Conservancy was approximately \$55 Million, with appropriations of \$12 Million and \$35 Million in 1985-86 and 1986-87 respectively.
2. The Legislature appropriated a total amount of \$4,149,000.00 to the Coastal Conservancy in Fiscal Year 1984-85.

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3. Of the appropriation made for Fiscal Year 1984-85 (Ch. 258, Stats. 1984), \$1,500,000.00 (together with undisbursed funds from previous years' appropriations) was available for capital outlay purposes, which includes "acquisition and/or development of accessways."
4. As of June 1984, the Conservancy had accepted eight (8) vertical public access easements offered through the Coastal Commission's permit process statewide, and three (3) in Malibu.
5. In June of 1984, as is the case today, the Conservancy was/is not in the practice of "opening" vertical public access easements, per se, either statewide or in Malibu. Rather, the Conservancy generally attempts to find local entities to accept and "open" accessways, or in the alternative to "open" and manage the vertical access easements the Conservancy accepts. Furthermore, the use of the term "planned" in your inquiry is somewhat vague in that no distinction is made as to the level of planning devoted to any one accessway, i.e., did actual "plans" exist to open an accessway, or did the Conservancy, in accepting the accessway, generally plan to open the accessway at some point in the future. This semantic exercise aside, as for the number of vertical public access easements which the Conservancy either "opened" or "planned to open" as of June 1984, those figures would be eight (8) statewide, and three (3) in Malibu.
6. As of June 1984, the only Conservancy-held easement which included a contiguous public parking easement or offer to dedicate was the Chiate/Wildman easement in Malibu.
7. As of June 1984, the number of Conservancy-held easements which were the subject of a survey, geological study, or feasibility study, is unknown.
8. Based on a collective recollection of current Conservancy staff, no funds were specifically designated for development of the Chiate/Wildman easement in 1984.
9. In June 1984, and subsequently, the Conservancy has attempted to adhere to the policy goals articulated in California Public Resources Code section 31104.1, which directs the Conservancy to serve as a repository for lands whose reservation is required to meet the policies and objectives of the California Coastal Act of 1976, including interests required to provide public access to coastal resources. Furthermore California Public Resources Code section 31400 directs the Conservancy to "have a principal role in the implementation of a system of public accessways to and along the state's coastline . . . ."
10. As you know, a Conservancy-funded data collection study (being performed by Mr. Charles I. Rauw) is currently underway regarding the feasibility, from a "constructability" standpoint only, of developing the Chiate/Wildman easements(s). Also, in 1990, a feasibility study (performed at the request of the Coastal Commission) was performed by Mr. Gary Hyden.

Very truly yours,

  
James Pierce  
Staff Counsel

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cc: Marcia Grimm  
Steve Horn  
Marc Beyeler  
Brenda Buxton  
Peter Kaufman